

REMARKS

In the outstanding Office Action (hereinafter, "Office Action") mailed November 27, 2006, the Examiner rejected claims 1, 2, 4, and 6-9 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2004/0065099 to Grabon et al. (hereinafter, "*Grabon*"); rejected claim 3 under 35 U.S.C. § 103(a) as being unpatentable over *Grabon* in view of U.S. Patent No. 6,016,662 to Tanaka et al. (hereinafter "*Tanaka*"); rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over *Grabon* in view of U.S. Patent No. 6,460,356 to Tao et al. (hereinafter "*Tao*"); and allowed claims 26-34.

Applicant thanks the Examiner for the indication that claims 26-34 are allowable. Allowed claims 26-34 are reproduced in the foregoing claim listing in the manner in which they have been allowed except for minor editorial changes that should not affect the allowable status of the claims. For example, "work machine" has been changed simply to "machine" wherever it occurred.

By this Reply, Applicant has canceled claims 1-9 without disclaimer or prejudice, and as such, the above-described rejections are rendered moot.

Applicant has added new claims 35-44. Support for claims 35-44 can be found, for example, in paragraphs 16, 26, 28-30, and 37-42, and thus new claims 35-44 do not constitute new matter. Applicant respectfully submits that new claims 35-44 are allowable over the cited art.

I. New Claims 35-44 are allowable over the cited prior art.

Applicant respectfully submits that new claims 35-44 are allowable because none of the cited art references, taken alone or in combination, teaches or suggests every claim limitation. For example, independent claim 35 is allowable because none of the cited art references teaches or suggests, “[a] controller operable to: receive a first set of values indicative of a first current ambient condition and a first desired ambient condition of the first area and a second set of values indicative of a second current ambient condition and a second desired ambient condition of the second area, based on the received first and second set of values, determine that the first current ambient condition or the second current ambient condition is outside of the desired ambient condition range, and initiate a transfer of heat between the first heat exchanger and the first area or between the first heat exchanger and the second area based on the determination and the received first or second desired ambient conditions,” as recited in new independent claim 35 (emphasis added).

Grabon fails to teach this limitation. Instead, *Grabon* teaches that one combination of a single zone controller, single heat exchanger, and single valve is designed to control the temperature of one zone. See *Grabon*, Fig. 1, ¶ 0011. This teaching cannot constitute “[a] controller operable to . . . initiate a transfer of heat between the first heat exchanger and the first area or between the first heat exchanger and the second area based on the determination and the received first or second desired ambient conditions,” as recited in claim 35 (emphasis added). Thus, claim 35 is allowable over *Grabon* at least for this reason.

Tao also fails to teach or suggest this limitation. Instead, *Tao* teaches each zone having its own HVAC system (see, e.g., sleeper zone HVAC system (FIG. 3) and cab zone HVAC system (FIG. 4), FIG. 5, column 4, lines 48-67, and column 5, lines 11-30). Such a system cannot constitute a teaching or suggestion of “[a] controller [that is] operable to . . . initiate a transfer of heat between the first heat exchanger and the first area or between the first heat exchanger and the second area.” Thus, claim 35 is allowable over *Tao* at least for this reason.

Tanaka also fails in this regard. As acknowledged by the Office Action, “*Tanaka et al.* teaches a refrigeration cycle wherein condenser 24 passes refrigerant to first expansion valve 27 and first heat exchanger 28 or second expansion valve 34 and second heat exchanger 35.” Office Action, page 3 (emphasis added). Thus, claim 35 is also allowable over *Tanaka* at least for this reason.

Accordingly, claim 35 is allowable. Dependent claims 36-44 depend from allowable independent claim 35, and thus are allowable at least for analogous reasons as those provided in conjunction with claim 35.

II. Conclusion

Accordingly, Applicant respectfully requests reconsideration and reexamination of this application and timely allowance of the pending claims. Applicant respectfully notes that the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

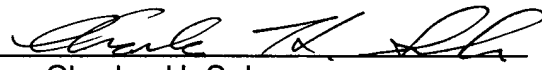
If the Examiner believes a telephone conversation might advance prosecution,
the Examiner is invited to call Applicant's undersigned attorney at 571-203-2477.

Please grant any extensions of time required to enter this response and charge
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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